

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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MAY - 6 1998

In the Matter of )  
 )  
Implementation of the )  
Telecommunications Act of 1996: ) CC Docket No. 96-115  
 )  
Telecommunications Carriers' Use )  
of Customer Proprietary Network )  
Information and Other Customer )  
Information )

**COMMENTS OF AMERITECH ON REQUESTS  
FOR FORBEARANCE, STAY, DEFERRAL, AND CLARIFICATION**

Ameritech submits these comments on the Cellular Telecommunications Industry Association's ("CTIA's") Request for Deferral and Clarification and GTE's Petition for Temporary Forbearance or, in the Alternative, Motion for Stay. Ameritech supports both requests and suggests that the Commission grant the relief requested since it would be in the public interest and would give the Commission time to consider the issues raised in those petitions.

CTIA requests that the Commission defer for 180 days the sections of its rules prohibiting the use of CPNI without customer consent for purposes associated with CPE and information services and for the purpose of regaining the business of a customer who has switched to another service provider -- insofar as those rules apply to the provision of commercial mobile radio service ("CMRS"). GTE has requested forbearance or a stay of the prohibition of the use of CPNI to market CPE used in connection with CMRS or associated with the introduction of advanced

services or to market voice mail and similar services used as part of telephone service and CMRS, and of any restrictions on the use of CPNI to market enhancements to packages of telecommunications services. Both CTIA and GTE request certain relief with respect to the Commission's rules associated with win-back efforts. In addition, CTIA requests clarification that customer names and addresses are not included in the definition of CPNI.

Both requests point out very clearly the problem for CMRS if the Commission's rules were interpreted as prohibiting the use of CPNI to market a bundle or package if it contained any element that was not within the category of services from which the CPNI was derived. GTE's petition points out how that problem applies to other telecommunications offerings as well -- including advanced services with particularized CPE requirements and packages of telecommunications services with "out-of-category" enhancements. The result of such an interpretation is probably not one that was intended either by Congress or by the Commission since, although it would no way adversely affect customers' privacy interests, it would nonetheless result in a practical deprivation of customers' ability to be informed about products and services naturally associated with those for which they already have an established relationship with their carriers.

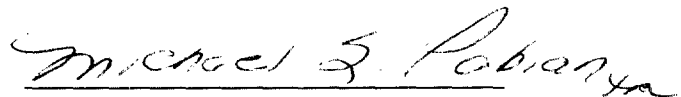
Therefore, the requested relief should be granted to give the Commission time to consider the public policy issues raised in those filings. Alternatively, the Commission could simply clarify that neither the statute nor the Commission's rules prohibit the use of CPNI, without customer consent, to market a bundle or package that includes a product or service that is outside the category of services from which the CPNI was derived. This interpretation makes sense in light of the Commission's "total service" approach. As long as a significant portion of the bundle or package relates to the category of services for which there is already an established carrier-

customer relationship, the entire package or bundle can be considered part of a customers' total service relationship.

With respect to a stay or forbearance of the Commission's win-back ruling, the requests have articulated ample evidence showing why win-back efforts are, in fact, pro-competitive and benefit consumers.

Finally, with respect to CTIA's request for clarification concerning customers' names and addresses, Ameritech suggests that such information amounts simply to a carrier's customer list and such customer list information does not constitute the type of information about telecommunications services usage that is articulated in the statutory definition of CPNI. In other words, it should be clear that telecommunications carriers can use their customer list information to send marketing messages to their customers without implicating the statutory prohibition against the use of CPNI.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael S. Pabian".

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Dated: May 8, 1998

CERTIFICATE OF SERVICE

I, Todd H. Bond, do hereby certify that a copy of the foregoing Comments of Ameritech on Requests for Forbearance, Stay, Deferral, and Clarification has been served on the parties listed on the attached service list, via first class mail, postage prepaid, on this 8th day of May, 1998.

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